

**APPLICATION UNDER 28 U.S.C. § 2241 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE OR FEDERAL CUSTODY**

(Do not use as a § 2254 or as a § 2255)

1. This application must be legibly handwritten or typewritten, and signed by the applicant under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities is needed. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. Upon receipt of a fee of \$5.00, your application will be filed, if it is in proper order.
4. If you do not have \$5.00, or if you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with an application of this type, you may request permission to proceed *In Forma Pauperis*, in which event you must complete an **Application to Proceed In Forma Pauperis**, and an authorized officer at the penal institution must complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
5. Only judgments entered by one court may be challenged in a single application. If you seek to challenge judgments entered by different courts, either in the same state or in different states, you must file separate applications as to each such judgment. If you seek to challenge a decision made by the U.S. Parole Commission or the Federal Bureau of Prisons regarding the amount of time you will spend in prison, you must file an application separate from an application challenging a judgment entered by a court.
6. Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the application you file.
7. When the application is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court for the district **where you are incarcerated**.
8. Applications which do not conform to these instructions will be returned with a notation as to the deficiency.
9. Remove this cover sheet before filing the Application.

**APPLICATION UNDER 28 U.S.C. § 2241 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE OR FEDERAL CUSTODY**
(Do not use as a § 2254 or as a § 2255)

UNITED STATES DISTRICT COURT

_____ **District of** _____

Case No. _____
(Clerk will supply)

Name and Prison Number: _____

Place of Confinement: _____

Name of Applicant: _____
(include name under which convicted)

Name of Respondent: _____
(Name of Warden)

APPLICATION

1. Name and location of court which imposed the sentence you challenge: _____

2. Date of judgment of conviction: _____

3. Length of sentence imposed: _____

4. Nature of offense(s) of conviction (all counts): _____

5. What was your plea as to each count? (Check one)

G Not Guilty

G Guilty

G Nolo contendere

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one) G Jury G Judge only

7. Did you testify at the trial? G Yes G No

8. Did you appeal from the judgment of conviction? G Yes G No

9. If you did appeal, answer the following:

(a) Name of Court: _____

(b) Result: _____

(c) Date of result and citation, if known: _____

(d) Grounds raised: _____

(e) If you sought further review of the decision on appeal by a higher court, answer the following:

(1) Name of Court: _____

(2) Result: _____

(3) Date of result and citation, if known: _____

(4) Grounds raised: _____

(f) If you filed a petition for certiorari or appeal in the Supreme Court of the United States as part of that direct appeal, answer the following:

(1) Name of Court: Supreme Court of the United States

(2) Result: _____

(3) Date of result and citation, if known: _____

(4) Grounds raised: _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal (a post-conviction proceeding)? G Yes G No

11. If your answer to 10 was “Yes,” answer the following:

(a) First post-conviction proceeding:

(1) Name of Court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing? G Yes G No

(5) Result: _____

(6) Date of result: _____

(b) Second post-conviction proceeding:

(1) Name of Court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing? G Yes G No

(5) Result: _____

(6) Date of result: _____

(c) Did you appeal to the highest court having jurisdiction the result of the post-conviction proceeding(s)?

(1) First proceeding: G Yes G No

(2) Second proceeding: G Yes G No

- (d) If you did **not** appeal from the adverse result of the post-conviction proceeding(s), explain briefly why you did not:

12. If you have **not** been convicted, answer the following:

- (a) Type of decision or action you challenge: _____

- (b) Who made the decision? _____

- (c) Date of decision: _____

- (d) Was there a hearing of any kind? G Yes G No

Hearing conducted by: _____

Location and date: _____

Result: _____

Exhaustion of Administrative Remedies

13. If your claim concerns a FEDERAL PAROLE matter, answer the following:

- (a) Did you appeal the decision to the National Appeals Board of the U.S. Parole Commission? G Yes G No

- (b) Appeal filing date: _____

- (c) Grounds raised: _____

- (d) Result: _____

- (e) Date of result: _____

14. If your claim concerns computation of your FEDERAL sentence, or a claim other than FEDERAL parole, answer the following:

(a) Did you attempt to resolve your complaint informally? G Yes G No

(b) Did you appeal to the Warden? G Yes G No

(c) Did you appeal to the Regional Director? G Yes G No

(d) Did you appeal to the General Counsel? G Yes G No

If you did not use the Administrative Remedy Procedure, explain why you did not do so:

15. If you are a STATE prisoner, answer the following:

Did you exhaust all administrative remedies available to you? G Yes G No

If you did not exhaust your administrative remedies, explain why you did not do so:

16. Have you filed any previous lawsuits related to your present claims(s)? G Yes G No

(a) Name and location of Court: _____

(b) Case number and style: _____

(c) Nature of lawsuit: _____

(d) Grounds raised: _____

(e) Result and date: _____

Grounds for Relief

17. State ***concisely*** every ground on which you claim that you are being held in violation of the Constitution, laws or treaties of the United States. Summarize ***briefly*** the ***facts*** supporting each ground. If necessary, you may attach pages stating additional grounds and ***facts*** supporting the same.

CAUTION: If you fail to set forth all grounds in this application, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in applications for writs of habeas corpus pursuant to 28 U.S.C. § 2241. You may raise any grounds which you may have other than those listed. However, you should raise in this application all available grounds (relating to this conviction or sentence) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check one or more of these listed grounds.

- (i) U. S. Parole Commission unlawfully revoked my parole.
- (ii) Federal Bureau of Prisons unlawfully computed my sentence.
- (iii) Federal Bureau of Prisons unlawfully denied me credit for time served in state or federal prison.
- (iv) Federal Bureau of Prisons or State prison system unlawfully revoked my good-time credits.
- (v) There is an unlawful detainer lodged against me.
- (vi) I am a citizen and domiciliary of a foreign country and I am in custody for an act which I had a right to commit under the laws of my country.
- (vii) The act for which I was convicted is no longer considered to be a crime, and I cannot raise this issue in a § 2254 petition or a § 2255 motion.

- (a) Ground One: Supporting FACTS (state ***briefly*** without citing cases or law): _____

- (b) Ground Two: Supporting FACTS (state ***briefly*** without citing cases or law): _____

- (c) Ground Three: Supporting FACTS (state ***briefly*** without citing cases or law): _____

- (d) Ground Four: Supporting FACTS (state ***briefly*** without citing cases or law): _____

18. If any of the grounds listed in 17(a), (b), (c), and (d) were not previously presented in any other court, either state or federal, state ***briefly*** what grounds were not so presented, and give your reasons for not presenting them: _____

19. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment/decision under attack? G Yes G No
20. Give the name and address, if known, of each attorney who represented you in the following stages of judgment/decision attacked herein:
- (a) Preliminary hearing: _____
- (b) Arraignment and plea: _____
- (c) Trial: _____
- (d) Sentencing: _____
- (e) Appeal: _____
- (f) Post-conviction proceeding: _____
- (g) Appeal from any adverse ruling in a post-conviction proceeding: _____

21. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time? G Yes G No

22. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack? G Yes G No

(a) If so, give name and location of court which imposed sentence to be served in the future:

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? G Yes G No

Wherefore, the applicant prays that the Court grant applicant relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: _____
(Date)

Signature of Applicant